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The Right to Know vs. Rubies

THE WORD from Boston is that the Justice Department is trying to get an indictment against Neil Sheehan, the New York Times reporter who first wrote the story of the Pentagon papers. The charge being sought is that Sheehan knowingly transported stolen property across state lines.

There may be a technical point of law involved, but in equity and intent this is blatant nonsense.

This is not to say that Sheehan or any other newspaperman is immune from prosecution for violating the law. As Tom Winship, editor of the Boston Globe, said when his newspaper published the Pentagon papers, he was prepared to bear the consequences, whatever they might be. This was the same position taken by civil rights leaders in the South who knowingly broke state laws. They were willing to go to jail to demonstrate to the nation that the state laws were in violation of the Constitution.

To get a conviction against Sheehan, Justice is going to have to prove first that a crime was committed, and then that Sheehan did it. Assuming that Sheehan did what he is suspected of doing, Justice is still going to have trouble proving a crime.

Were the documents stolen? We don't know. They were certainly copied, but that's different. Documents aren't like a ruby necklace, nor was copying them like infringing on a copyright, which denies to its owner something of value.

A theft implies a victim. Who was the victim? The answer is that there wasn't any.

The papers were the result of work done

at government expense. The papers belong to the people. And what Sheehan did was not take the papers from the people, but the precise opposite. He and his presumed accomplices took copies of the papers from those who were hiding them from the people and delivered them to their rightful owners.

If anyone could be said to own them more than anyone else, it might be Robert McNamara, who commissioned them while secretary of Defense. Mr. McNamara is on record that the papers should have been given to the public long before.

It is interesting to note that Mr. Sheehan is apparently not to be charged with violating national security, which was the first reaction from the Nixon administration. The reason is simple: Experts from Dean Rusk, secretary of State at the time, on down say that no security was violated.

To argue that Mr. Sheehan committed no crime and violated no security in this case is not to provide the press with an absolute blanket of privilege. We recognize the necessity for some government secrecy and we recognize the dangers to security. On the whole, the media's record is exemplary. It is far better, for example, than the record of government officials who pepper their memoirs with classified material to justify their stewardship.

If anything, this is the issue which Sheehan has raised. The people have the right to know the people's business, not just that part of it some bureaucrat wants them to know. With common sense, publication of the papers will lead to sensible use, rather than abuse, of classification codes. This in turn will better serve the public interest.

What? More "immaculate deception"? (crime without a victim!)

Ellsberg, the Revolutionary

I THINK Daniel Ellsberg is a true patriot. The American people have known for some time that the major decisions affecting their lives are made behind closed Pentagon and White House doors. They were just afraid to admit it. The Pentagon Papers prove it in black and white. Americans can no longer lie to themselves that they live in the land of the free and the home of the brave.

Two centuries have passed since the first American Revolution. We still do not have what our founders fought and died for. We are still taxed without representation. Our "representatives" in Congress continue to allow the President to send Americans to die in an undeclared war.

American Revolution II will only succeed if it relies on persuasion instead of coercion. The only true revolution is one of the mind. The Pentagon papers have changed more minds than all the guns in China. Daniel Ellsberg is a true revolutionary and patriot.

DAVID RENNER

Land Park

Fr. Dr. 7-23-71

The Real Enemy

THE ASSERTION that newspapers are not "competent" to handle such information as the Pentagon papers, raises an interesting question: Who is competent and who is not, and how can we tell? By implication, this quality rests only with a small group, presumably in the upper reaches of government. But the record of this little band and its conduct of the Vietnam war, to mention only one, flatly denies that competence automatically inheres in high places; any citizen, newspaperman, or reader could have done the job at least as badly. It is tempting to add, so could a little child or a lunatic.

It comes down to this: I, as an individual and representative citizen, believe in my right and obligation to know and my competence to judge, and I am far more concerned about "secrets" being kept from me than about an enemy overhearing them. The real enemy, after all, is that which seeks to keep the government out of the hands of the people, and exclusive possession of such documents greatly intensifies that threat.

ANNE SENNISH

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